

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

In Re: REGGIE D. CLAYTON

**CHAPTER 13
NO: 24-11687 JDW**

**NOTICE OF FILING CHAPTER 13 PLAN AND
MOTIONS FOR VALUATION AND LIEN AVOIDANCE**

☐ Check if this an amended notice.

The above-named Debtor has filed a *Chapter 13 Plan and Motions for Valuation and Lien Avoidance* (the “Plan”) with the Bankruptcy Court in the above-referenced case (see attachment).

Any objection to confirmation of the Plan or the Motions contained therein shall be filed in writing with the Clerk of Court at 703 Hwy. 145 North, Aberdeen, MS 39730 on or before August 23, 2024. Copies of the objection must be served on the Trustee, US Trustee, Debtor and Attorney for Debtor.

Objections to confirmation will be heard and confirmation determined on September 17, 2024, at 1:30 p.m., Oxford Federal Building, 911 Jackson Avenue, Oxford, MS 38655, unless the court orders otherwise. If no objection is timely filed, the Plan may be confirmed without a hearing.

/s/ Robert Gambrell
Robert Gambrell, Atty for Debtor,
MSB #4409
GAMBRELL & ASSOCIATES, PLLC
101 Ricky D. Britt Blvd., Ste. 3
Oxford, MS 38655
Ph: (662)281-8800 / Fax: (662)202-1004
rg@ms-bankruptcy.com

Dated: 07/09/2024

CERTIFICATE OF SERVICE OF NOTICE OF FILING
CHAPTER 13 PLAN AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE

I, ROBERT GAMBRELL, Attorney for the above listed Debtor, do hereby certify that the following have been served electronically via ECF with a copy of this Notice of Filing Chapter 13 Plan and Motions for Valuation and Lien Avoidance along with a copy of the Chapter 13 Plan to:

David W. Asbach, Acting U. S. Trustee
Locke D. Barkley, Chapter 13 Trustee
and to all parties that have entered an appearance requesting service via ECF

I, further certify that I have this date mailed postage prepaid, a true and correct copy of said Chapter 13 Plan to all creditors shown on the master address list attached hereto.

I, further certify that I have this date mailed by regular mail, a true and correct copy of said Notice of Filing Chapter 13 Plan and Motions for Valuation and Lien Avoidance along with a copy of the Chapter 13 Plan to Liberty Finance Co., Inc. as shown on the master address list and to the registered agent for said company:

C Ernest Felker as registered agent
for Liberty Finance Co., Inc.
P O Box 1257
Grenada, MS 38902

This the 9th day of July, 2024.

BY: /s/ Robert Gambrell
ROBERT GAMBRELL

Fill in this information to identify your case:

Debtor 1 Reggie D Clayton
Full Name (First, Middle, Last)
United States Bankruptcy Court for the NORTHERN DISTRICT OF MISSISSIPPI
Case number: 24-11687
(If known)

☐ Check if this is an amended plan, and list below the sections of the plan that have been changed.

Chapter 13 Plan and Motions for Valuation and Lien Avoidance

12/17

Part 1: Notices

To Debtors: This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable. The treatment of ALL secured and priority debts must be provided for in this plan.

In the following notice to creditors, you must check each box that applies

To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation on or before the objection deadline announced in Part 9 of the Notice of Chapter 13 Bankruptcy Case (Official Form 309I). The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015.

The plan does not allow claims. Creditors must file a proof of claim to be paid under any plan that may be confirmed.

The following matters may be of particular importance. Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

1.1	A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.3	Nonstandard provisions, set out in Part 8.	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included

Part 2: Plan Payments and Length of Plan

2.1 Length of Plan.

The plan period shall be for a period of 60 months, not to be less than 36 months or less than 60 months for above median income debtor(s). If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

2.2 Debtor(s) will make payments to the trustee as follows:

Debtor shall pay \$3,000.00 (☒ monthly, ☐ semi-monthly, ☐ weekly, or ☐ bi-weekly) to the chapter 13 trustee. Unless otherwise ordered by the court, an Order directing payment shall be issued to the debtor's employer at the following address:

DIRECT PAY

2.3 Income tax returns/refunds.

Check all that apply

- ☒ Debtor(s) will retain any exempt income tax refunds received during the plan term.
☐ Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all non-exempt income tax refunds received during the plan term.
☐ Debtor(s) will treat income refunds as follows:

Debtor Reggie D Clayton Case number 24-11687

2.4 Additional payments.

Check one.

☒ **None.** If "None" is checked, the rest of § 2.4 need not be completed or reproduced.

Part 3: Treatment of Secured Claims

3.1 Mortgages. (Except mortgages to be crammed down under 11 U.S.C. § 1322(c)(2) and identified in § 3.2 herein.).

Check all that apply.

☐ **None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.

3.1(a) Principal Residence Mortgages: All long term secured debt which is to be maintained and cured under the plan pursuant to 11 U.S.C. § 1322(b)(5) shall be scheduled below. Absent an objection by a party in interest, the plan will be amended consistent with the proof of claim filed by the mortgage creditor, subject to the start date for the continuing monthly mortgage payment proposed herein.

2	Mtg pmts to	<u>Cadence Bank</u>							
Beginning	<u>September 2024</u>	@	<u>\$356.54</u>	<input checked="" type="checkbox"/> Plan	<input type="checkbox"/> Direct.	Includes escrow	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
1	Mtg pmts to	<u>M&T Mortgage Payments</u>							
Beginning	<u>September 2024</u>	@	<u>\$1,065.70</u>	<input checked="" type="checkbox"/> Plan	<input type="checkbox"/> Direct.	Includes escrow	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
2	Mtg arrears to	<u>Cadence Bank</u>	Through	<u>August 2024</u>					<u>\$ 3,957.02</u>
1	Mtg arrears to	<u>M&T Mortgage Payments</u>	Through	<u>August 2024</u>					<u>\$10,030.13</u>

3.1(b) ☐ **Non-Principal Residence Mortgages:** All long term secured debt which is to be maintained and cured under the plan pursuant to 11 U.S.C. § 1322(b)(5) shall be scheduled below. Absent an objection by a party in interest, the plan will be amended consistent with the proof of claim filed by the mortgage creditor, subject to the start date for the continuing monthly mortgage payment proposed herein.

Property **-NONE-** address: _____

3.1(c) ☐ **Mortgage claims to be paid in full over the plan term:** Absent an objection by a party in interest, the plan will be amended consistent with the proof of claim filed by the mortgage creditor.

Creditor: **-NONE-** Approx. amt. due: _____ Int. Rate*: _____

3.2 Motion for valuation of security, payment of fully secured claims, and modification of undersecured claims. Check one..

☐ **None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.
The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.

☒ Pursuant to Bankruptcy Rule 3012, for purposes of 11 U.S.C. § 506(a) and § 1325(a)(5) and for purposes of determination of the amounts to be distributed to holders of secured claims, debtor(s) hereby move(s) the court to value the collateral described below at the lesser of any value set forth below or any value set forth in the proof of claim. Any objection to valuation shall be filed on or before the objection deadline announced in Part 9 of the Notice of Chapter 13 Bankruptcy Case (Official Form 309I).

The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan. If the amount of a creditor's secured claim is listed below as having no value, the creditor's allowed claim will be treated in its entirety as an unsecured claim under Part 5 of this plan. Unless otherwise ordered by the court, the amount of the creditor's total claim listed on the proof of claim controls over any contrary amounts listed in this paragraph.

Name of creditor	Estimated amount of creditor's total claim #	Collateral	Value of collateral	Amount of secured claim	Interest rate*
<u>Liberty Finance</u>	<u>\$10,800.00</u>	<u>2000 Sterling LT 9500 truck is in rough shape</u>	<u>\$16,000.00</u>	<u>\$10,800.00</u>	<u>10.00%</u>

Insert additional claims as needed.

#For mobile homes and real estate identified in § 3.2: Special Claim for taxes/insurance:

Name of creditor	Collateral	Amount per month	Beginning
<u>-NONE-</u>			<u>month</u>

* Unless otherwise ordered by the court, the interest rate shall be the current Till rate in this District

For vehicles identified in § 3.2: The current mileage is 1,114,500 miles

3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one.

☒ **None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

Debtor Reggie D Clayton

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3.4 Motion to avoid lien pursuant to 11 U.S.C. § 522.

Check one.

☒ **None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

3.5 Surrender of collateral.

Check one.

☒ **None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

Part 4: Treatment of Fees and Priority Claims

4.1 General

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

4.2 Trustee's fees

Trustee's fees are governed by statute and may change during the course of the case.

4.3 Attorney's fees.

☒ No look fee: 4,000.00
Total attorney fee charged: \$4,000.00
Attorney fee previously paid: \$654.00
Attorney fee to be paid in plan per confirmation order: \$3,346.00
☐ Hourly fee: \$____. (Subject to approval of Fee Application.)

4.4 Priority claims other than attorney's fees and those treated in § 4.5.

Check one.

☐ **None.** If "None" is checked, the rest of § 4.4 need not be completed or reproduced.
☒ Internal Revenue Service \$10,000.00
☐ Mississippi Dept. of Revenue \$0.00
☐ Other _____

4.5 Domestic support obligations.

☐ **None.** If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

DUE TO: MS Div Chld Support Enforcement

POST PETITION OBLIGATION: In the amount of \$ 400.00 per month beginning July 2025

To be paid ☐ direct, ☐ through payroll deduction, or ☒ through the plan.

PRE-PETITION ARREARAGE: In the amount of \$ 29,550.00 through 50.00

which shall be paid in full over the plan term, Should the Chancery Court allow all the arrears to stand, the balance will be paid directly to MDHS from proceeds received from sale of Debtor's home after court approval
unless stated otherwise:

To be paid ☐ direct, ☐ through payroll deduction, or ☒ through the plan.

Part 5: Treatment of Nonpriority Unsecured Claims

5.1 Nonpriority unsecured claims not separately classified.

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. *Check all that apply.*

☐ The sum of \$ _____
☒ 0.00 % of the total amount of these claims, an estimated payment of \$ 0.00

☐ The funds remaining after disbursements have been made to all other creditors provided for in this plan.
If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$0.00.
Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least this amount.

Debtor Reggie D Clayton Case number 24-11687

5.2 Other separately classified nonpriority unsecured claims (special claimants). Check one.

☒ **None.** If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

Part 6: Executory Contracts and Unexpired Leases

6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. Check one.

☒ **None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

Part 7: Vesting of Property of the Estate

7.1 Property of the estate will vest in the debtor(s) upon entry of discharge.

Part 8: Nonstandard Plan Provisions

8.1 Check "None" or List Nonstandard Plan Provisions

☐ **None.** If "None" is checked, the rest of Part 8 need not be completed or reproduced.

Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Official Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective.

The following plan provisions will be effective only if there is a check in the box "Included" in § 1.3.

Part 9: Signatures:

9.1 Signatures of Debtor(s) and Debtor(s)' Attorney

The Debtor(s) and attorney for the Debtor(s), if any, must sign below. If the Debtor(s) do not have an attorney, the Debtor(s) must provide their complete address and telephone number.

X /s/ Reggie D Clayton
Reggie D Clayton
Signature of Debtor 1
Executed on June 26, 2024

208 Shelbi Place
Address
Oxford MS 38655-0000
City, State, and Zip Code

Telephone Number

X /s/ Robert Gambrell
Robert Gambrell 4409
Signature of Attorney for Debtor(s)
101 Ricky D Britt Sr Blvd, Ste 3
Oxford, MS 38655-4236
Address, City, State, and Zip Code
662-281-8800
Telephone Number
rg@ms-bankruptcy.com
Email Address

X _____
Signature of Debtor 2

Executed on _____

Address

City, State, and Zip Code

Telephone Number

Date June 26, 2024

4409 MS
MS Bar Number

Label Matrix for local noticing
0537-1
Case 24-11687-JDW
Northern District of Mississippi
Aberdeen
Tue Jul 9 09:00:41 CDT 2024

AT&T Services, Inc.
Attn: Bankruptcy
One AT&T Way, Room 3A104
Bedminster, NJ 07921-2694

Cadence Bank
FKA Bancorpsouth Mtg Ctr
PO Box 789
Tupelo, MS 38802-0789

Cadence Bank
Bankruptcy Dept
PO Box 3356
Tupelo, MS 38803-3356

Cadence Bank fka BancorpSouth
PO Box 4360
Tupelo, MS 38803-4360

Internal Revenue Service
P. O. Box 7346
Philadelphia PA 19101-7346

Internal Revenue Service
Centralized Solvency Operations
P.O. Box 7346
Philadelphia, PA 19101-7346

Julie Clayton
208 Shelbi Place
Oxford, MS 38655-7417

LIBERTY FINANCE CO., INC.
2005 HARRIS DRIVE
2005 HARRIS DRIVE
OXFORD, MS 38655-4222

Liberty Finance
2005 Harris Drive
Oxford, MS 38655-4222

M&T Mortgage Payments
PO Box 62182
Baltimore, MD 21264-2182

MBA Law
2222 Texoma Pkwy
Suite 160
Sherman, TX 75090-2482

MS Div Chld Support Enforcement
750 N State St
Jackson, MS 39202-3033

Midland Credit Management, Inc
PO Box 2037
Warren, MI 48090-2037

Mississippi Department of Human Resources
Attn: Bankruptcy
P. O. Box 352
Jackson MS 39205-0352

Quantum3 Group LLC
PO Box 2489
Kirkland, WA 98083-2489

Quantum3 Group LLC as agent for
CF Medical LLC
PO Box 788
Kirkland, WA 98083-0788

Rapid Cash of Oxford
2005 Harris Dr
Oxford, MS 38655-4238

(p)REPUBLIC FINANCE LLC
282 TOWER RD
PONCHATOULA LA 70454-8318

SBA Commercial Loan Service Ctr
2120 Riverfront Dr., Ste 100
Little Rock, AR 72202-1794

Storage City of Oxford
13 Industrial Park Dr
Oxford, MS 38655-5343

(p)UNITED STATES SMALL BUSINESS ADMINISTRATIO
ATTN LOUISIANA DISTRICT OFFICE
500 POYDRAS STREET SUITE 828
NEW ORLEANS LA 70130-3374

US Atty, ND of MS
rep) IRS
900 Jefferson Avenue
Oxford, MS 38655-3608

US Atty, ND of MS
representing SBA)
900 Jefferson Ave.
Oxford, MS 38655-3608

US Small Bus. Adm.
801 Tom Martin Dr.
Birmingham, AL 35211-6426

United Emergency Services
d/b/a Edcare Management
200 Corporate Blvd
Lafayette, LA 70508-3870

Verizon Wireless
Bankruptcy Group
500 Technology Dr
Weldon Springs, MO 63304-2225

